

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GEORGIA ANN MEJIA FIELD,
Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,
Defendant.

NO. C3:13-CV-05623-RBL-JLW

REPORT AND
RECOMMENDATION

BASIC DATA

Type of benefits sought:

(X) Disability Insurance

(X) Supplemental Security Income – Disability

Plaintiff's:

Sex: Female

Age: 48 at alleged onset date; 51 at ALJ hearing

Principal Disabilities Alleged by Plaintiff: depression, anxiety, degenerative joint and disk disease, right carpal tunnel syndrome, headaches, substance abuse (alcohol), right ankle osteoarthritis status post-fracture, and right knee osteoarthritis.

Disability Allegedly Began: July 15, 2008

Principal Previous Work Experience: office helper, cashier

Plaintiff Last Worked: working part-time as Nordstrom cashier at time of ALJ hearing

Education Level Achieved by Plaintiff: high school, some online college course work

REPORT AND RECOMMENDATION - 1

PROCEDURAL HISTORY – ADMINISTRATIVE

Before ALJ:

Date of Hearing: June 27, 2011

Date of Decision: October 4, 2011

Appears in Record at: AR 10-24

Summary of Decision:

Claimant has not engaged in substantial gainful activity since her alleged onset date, July 15, 2008; she has severe impairments of major depressive disorder; anxiety disorder; degenerative joint disease; degenerative disk disease of the lumbar spine; right carpal tunnel syndrome; headaches; substance abuse; right ankle osteoarthritis, status post fracture; and right knee osteoarthritis. Her impairments, even in combination, do not qualify under the Listings. Claimant has the residual functional capacity to perform light work, subject to certain limitations. She can perform her past work of office helper or cashier. In addition, there are other jobs she is capable of performing such as library page, mail clerk, and marker. The testimony of the Vocational Expert establishes that substantial work she can perform exists in the national economy. This requires a finding of “not disabled.”

Before Appeals Council:

Date of Decision: May 30, 2013

Appears in Record at: AR 1-6

Summary of Decision: declined review

PROCEDURAL HISTORY – THIS COURT

Jurisdiction based upon: 42 U.S.C. § 405(g)

Brief on Merits Submitted by (X) Plaintiff (X) Commissioner

RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

(X) Affirm

SUMMARY

The ALJ's findings as to Plaintiff's impairments, their severity, her residual functional capacity, and her ability to perform her past relevant work and other specific jobs, are all supported by substantial evidence, both medical and non-medical. While there is also evidence to support different conclusions in some respects, there is no legal basis for reversing the ALJ's findings. While Plaintiff has identified a few minor errors by the ALJ, they were harmless, and would not require or support a reversal. The Commissioner's decision must therefore be affirmed.

I. STANDARD OF REVIEW

Pursuant to 42 U.S.C. § 405(g), this Court may set aside the Commissioner's denial of Social Security benefits when the ALJ's findings are based on legal error or not supported by substantial evidence in the record as a whole. *Bayliss v. Barnhart*, 427 F.3d 1211, 1214 (9th Cir. 2005). "Substantial evidence" is more than a scintilla, less than a preponderance, and is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Richardson v. Perales*, 402 U.S. 389, 401 (1971); *Magallanes v. Bowen*, 881 F.2d 747, 750 (9th Cir. 1989). The ALJ is responsible for determining credibility, resolving conflicts in medical testimony, and resolving any other ambiguities that might exist. *Andrews v. Shalala*, 53 F.3d 1035, 1039 (9th Cir. 1995). While the Court is required to examine the record as a whole, it may neither reweigh the evidence nor substitute its judgment for that of the Commissioner. *Thomas v. Barnhart*, 278 F.3d 947, 954 (9th Cir. 2002). When the evidence is susceptible to more than one rational interpretation, it is the Commissioner's conclusion that must be upheld. *Id.*

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II. EVALUATING DISABILITY

As the claimant, Ms. Field bears the burden of proving that she is disabled within the meaning of the Social Security Act (the “Act”). *Meanel v. Apfel*, 172 F.3d 1111, 1113 (9th Cir. 1999) (internal citations omitted). The Act defines disability as the “inability to engage in any substantial gainful activity” due to a physical or mental impairment which has lasted, or is expected to last, for a continuous period of not less than twelve months. 42 U.S.C. §§ 423(d)(1)(A), 1382c(a)(3)(A). A claimant is disabled under the Act only if her impairments are of such severity that she is unable to do her previous work, and cannot, considering her age, education, and work experience, engage in any other substantial gainful activity existing in the national economy. 42 U.S.C. §§ 423(d)(2)(A); *see also Tackett v. Apfel*, 180 F.3d 1094, 1098-99 (9th Cir. 1999).

The Commissioner has established a five-step sequential evaluation process for determining whether a claimant is disabled within the meaning of the Act. *See* 20 C.F.R. §§ 404.1520, 416.920. The claimant bears the burden of proof during steps one through four. At step five, the burden shifts to the Commissioner. *See also Valentine v. Comm’r of Soc. Sec. Admin.*, 574 F.3d 685, 689 (9th Cir. 2009).

III. ISSUES ON APPEAL

1. Did the ALJ err in assessing the opinions of Doctors Herald, Nelson, Langhofer, McDougall, and Pullen?
2. Did the ALJ commit reversible error?

Dkt. No. 12 at 1.

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1 IV. DISCUSSION

2 A. Medical Record Evidence

3 The ALJ found Plaintiff retains the RFC for light work with limitations to simple,
 4 routine tasks and short, simple instructions in work that needs little or no judgment. AR at 15-
 5 16. Plaintiff asserts the RFC was reached in error based on improper evaluation of medical
 6 evidence from Doctors Herald, Nelson, Langhofer, McDougall, and Pullen. Dkt. 12 at 3.
 7 Defendant argues the ALJ properly evaluated the medical evidence and that any error is
 8 harmless. Dkt. 18 at 22. The ALJ gave substantial weight to the opinions of the non-
 9 examining State agency doctors and less weight to some of the opinions of treating/examining
 10 doctors. AR at 19-22. The Court finds the ALJ did not commit reversible error.

11 If a treating doctor's opinion is not contradicted by another doctor (*i.e.*, there are no
 12 other opinions from examining or nonexamining sources), it may be rejected only for "clear
 13 and convincing" reasons supported by substantial evidence in the record. *See Ryan v. Comm'r*
 14 *of Soc. Sec. Admin.*, 528 F.3d 1194, 1198 (9th Cir. 2008); *Lester v. Chater*, 81 F.3d 821, 830
 15 (9th Cir. 1996). If the ALJ rejects a treating or examining physician's opinion that *is*
 16 contradicted by another doctor, he must provide specific, legitimate reasons based on
 17 substantial evidence in the record. *See Valentine v. Comm'r of Soc. Sec. Admin.*, 574 F.3d 685,
 18 692 (9th Cir. 2009); *Ryan v. Comm'r of Soc. Sec. Admin.*, 528 F.3d 1194, 1198 (9th Cir. 2008);
 19 *Orn v. Astrue*, 495 F.3d 625, 632 (9th Cir. 2007); *Andrews v. Shalala*, 53 F.3d 1035, 1043 (9th
 20 Cir. 1995); *Murray v. Heckler*, 722 F.2d 499, 502 (9th Cir. 1983); *see also* 20 C.F.R.
 21 §404.1527(d)(2). "The ALJ can meet this burden by setting out a detailed and thorough
 22 summary of the facts and conflicting clinical evidence, stating his interpretation thereof, and
 23 making findings." *Magallanes*, 881 F.2d at 751 (internal quotation marks and citation omitted).

1 Cheraine Herald, Ph.D.

2 In January and June 2008, Dr. Herald completed psychological/psychiatric evaluations
3 of Plaintiff. AR at 19. The ALJ gave some weight to the “moderate” limitations assigned by
4 Dr. Herald because they are consistent with the record, State assessments, and the MSE. AR at
5 20. The ALJ discussed Dr. Herald’s findings that Plaintiff’s depressed mood and anger result
6 in “marked with marked to severe” cognitive and social limitations based on mental status
7 examinations (“MSE”) showing Plaintiff could recall objects, has a low frustration tolerance,
8 made some errors on digit span testing, has poor stress tolerance, and that she avoids others.
9 AR at 19, citing AR at 416. However, the ALJ states four specific reasons for giving less
10 weight to the “marked to severe” limitations: (1) they are beyond the objective findings of the
11 assessments; (2) they are largely based on Plaintiff’s subjective reporting of her symptoms; (3)
12 the brief MSEs were based on Plaintiff’s responses while attempting to qualify for benefits;
13 and (4) Dr. Herald diagnosed pathological gambling which is not supported by the record or
14 the State assessments. AR at 20.

15 Plaintiff asserts error primarily arguing that Dr. Herald’s opinions are supported by
16 clinical findings and objective measures. Dkt. 12 at 4. Defendant argues that Dr. Herald’s
17 findings are largely based on Plaintiff’s subjective complaints and because Plaintiff is not fully
18 credible the ALJ appropriately gave the reports reduced weight. Dkt. 18 at 2-4, 7-8. The
19 parties also debate the significance of the ALJ’s description of the MSEs as brief; however, the
20 ALJ does not place emphasis on this aspect; the context is descriptive and therefore not critical
21 to either the ALJ’s analysis or conclusion.

22 The ALJ may discount reliance on a controverted physician’s opinion if specific and
23 legitimate reasons are given for doing so. Here, Dr. Herald’s opinions are controverted by the
24 State agency physicians who found Plaintiff only mildly to moderately limited. AR at 22

1 citing AR 618, 622-24, 723. The ALJ found the “marked to severe” limitations opined by Dr.
2 Herald beyond the objective findings of the assessments and largely based on Plaintiff’s
3 reporting. AR at 20. Dr. Herald completed standard forms and MSEs for both examinations.
4 AR at 396-404, 415-422. Defendant argues in support of the ALJ’s finding that the limitations
5 identified by Dr. Herald are based in large part on Plaintiff’s reports. Upon review of the
6 documents, which are notably difficult to read or illegible where Dr. Herald makes hand-
7 written notations, the Court does not find evidence contrary to the ALJ’s cited reasons. Dr.
8 Herald’s conclusions are based on some testing and observation but also rely on Plaintiff’s own
9 report of her symptoms. The ALJ notes that Plaintiff underwent evaluation to qualify for
10 benefits. While this alone is not a valid reason to dismiss the test results, here it is a relevant
11 factor because the ALJ found Plaintiff highly unreliable and not credible. AR at 16-18.

12 Plaintiff does not dispute the ALJ’s adverse credibility finding (Dkt. 20 at 1-2) but it is
13 relevant in the context of her subjective reports to doctors and testing that is within her power
14 to manipulate. Some of the testing depends on Plaintiff answering questions and performing
15 tasks such as counting by threes and remembering objects, the results of which are within
16 Plaintiff’s control. The ALJ finds multiple inconsistencies between Plaintiff’s allegations of
17 pain and disability compared to her activities of daily living as well as medical and psychiatric
18 evidence, finding significant that: (1) Plaintiff received unemployment benefits during the
19 same period she claims she was disabled, noting that unemployment and disability claims are
20 fundamentally inconsistent; (2) there are probable issues of secondary gain based on Plaintiff’s
21 admissions to counselors regarding her large debt, frequent casino gambling, and mood
22 symptoms related to her financial trouble; and (3) Plaintiff’s participation in robust daily
23 activities, including receiving a high grade for an online college class, walking, going to the
24 gym, running, managing her own self care, and providing full-time care to her brother. AR at

1 18. Though Plaintiff does not dispute this information, it is relevant in the context of her
2 subjective reporting to her providers. Here, Dr. Herald, took some measurable clinical data,
3 however her opinion regarding work limitations, the ALJ believes, was influenced heavily by
4 Plaintiff's own reporting, a legitimate conclusion. The ALJ's fourth reason for giving less
5 weight to the marked/severe limitations is Dr. Herald's unsupported diagnosis of pathological
6 gambling, which further shows the doctor's reliance on Plaintiff's reports and sheds doubt on
7 the more extreme limitations. Accordingly, the Court finds ALJ's cited reasons for placing
8 little weight on the greater limitations found by Dr. Herald are specific and legitimate and
9 based on substantial evidence in the record.

10 Paul Nelson, Ph.D.

11 Plaintiff likewise asserts error in the ALJ's giving reduced weight to Dr. Nelson's
12 psychological evaluation of May 2009. Dkt. 12 at 5-6 citing AR at 19-20. The ALJ notes that
13 Dr. Nelson performed the same standard evaluation as Dr. Herald, "but found only moderate
14 cognitive limitations based on some problems concentrating, difficulty performing serial threes
15 and sevens and recent memory impairment." AR at 19 citing AR at 441-42. Regarding social
16 problems, the ALJ notes Dr. Nelson's finding of "marked limits, based on severe depression
17 symptoms, mood swings and dissociation episodes." AR at 19. Based on the MSE, Dr.
18 Nelson found no limitations in activities of daily living, and that Plaintiff could recall objects
19 but had some difficulty with delayed recall. The ALJ notes that "despite these findings, [Dr.
20 Nelson] thought the claimant's symptoms were treatable." AR at 20. As with Dr. Herald, the
21 ALJ assigned less weight to Dr. Nelson's "marked" findings because they are beyond the
22 objective findings during the assessments, mostly based on Plaintiff's subjective reporting of
23 her symptoms, and the testing was done under circumstances of attempting to qualify for
24 benefits by a person with limited credibility. Based on the record, the Court finds no error with

1 these reasons. However, the ALJ also incorrectly notes that Dr. Nelson found Plaintiff
2 “capable of engaging in pre-employment activities, indicating she is functional enough to seek
3 employment, which is consistent with the record.” AR at 20. Defendant concedes that the
4 ALJ erred in this regard because the statement is not in Dr. Nelson’s report but in the report of
5 Dr. Pullen, discussed below. The Court finds this mistake a harmless error. ALJ’s decisions
6 will not be reversed for errors that are harmless. *See Burch v. Barnhart*, 400 F.3d 676, 679
7 (9th Cir. 2005); *see also Stout v. Comm’r of Soc. Sec. Admin.*, 454 F.3d 1050, 1054 (9th Cir.
8 2006). The ALJ’s remaining reasons for giving reduced weight to Dr. Nelson’s reports are
9 specific, legitimate, and supported by substantial evidence in the record.

10 Rachelle Langhofer, Ph.D.

11 Plaintiff asserts the ALJ erred in giving little weight to Dr. Langhofer’s finding of
12 “marked to severe” limits. Dkt. 12 at 6-8, Dkt. 20 at 5-7. The ALJ gave “some weight” to the
13 May 2010 evaluation by Dr. Langhofer, but where the doctor found marked to severe limits,
14 the ALJ gave four reasons for discounting the findings: (1) Dr. Langhofer did not find any
15 limits with daily activities; (2) Dr. Langhofer found Plaintiff could perform a three-step task
16 and complete serial 7s; (3) the marked/severe limits are beyond the moderate limits found by
17 the State; and (4) Plaintiff’s contradictory report to Dr. Langhofer that recent therapy had not
18 improved her symptoms, whereas she had elsewhere reported that it did. AR at 21. Defendant
19 concedes the ALJ erred in noting that Dr. Langhofer did not find any limits with daily
20 activities. Dr. Langhofer checked the “impaired” box in the activities of daily living
21 assessment for money management, transportation, and friends/socialization. AR at 716. Dr.
22 Langhofer did not check the impaired boxes for hygiene/grooming, cooking/shopping, or
23 cleaning/laundry. The Court finds this error is harmless because, disregarding this factor, the
24 remaining reasons the ALJ notes are sufficient.

1 Plaintiff correctly notes that the ALJ's finding that Dr. Langhofer's opinion is
2 contradicted by the State merely lowers the standard of review from "clear and convincing" to
3 "specific and legitimate." Dkt. 12 at 7. Beyond that, two specific and legitimate reasons
4 remain: Plaintiff's test results showing her capabilities, and her inconsistent reporting of
5 symptoms post-therapy. The ALJ also gives significant weight to Dr. Langhofer's opinion that
6 Plaintiff is capable of working. AR at 21. Plaintiff disputes this reason, arguing that Dr.
7 Langhofer only found she could work part-time. However, the record reflects that Dr.
8 Langhofer opined, "this patient appears capable of easy repetitive tasks (clerical or labor), in an
9 organized setting, disregarding her physical health problems." AR at 712. Then, in Dr.
10 Langhofer's summary, she finds Plaintiff is "chronically mentally ill. She appears capable of
11 working (likely part-time), disregarding her physical health issues, and provided she receives
12 medications and therapy. [Plaintiff] reports she has not benefitted from her most recent
13 therapy; if she felt benefitted from therapy she would be likely to improve compared to her
14 overall functioning at present." AR at 714. Thus, Dr. Langhofer's notes show the ALJ
15 appropriately represented the doctor's opinion regarding Plaintiff's work capabilities and
16 supports the ALJ's reasoning regarding Plaintiff's contradictory statements about the
17 effectiveness of her recent therapy. Plaintiff was admitted to therapy from August 2009
18 through February 2010; discharge notes indicate a positive outlook for Plaintiff and that she
19 found the treatment helpful in coping with her anxiety and depression. AR at 559, 563.

20 Finally, Plaintiff and Defendant devote much of their briefing on the extent to which
21 Dr. Langhofer's report is based on Plaintiff's subjective reporting and the impact of Plaintiff's
22 credibility problems. However, unlike with several other doctors' reports, here the ALJ did not
23 cite subjective reporting as a reason to place little weight on Dr. Langhofer's conclusions. The
24 Court notes Dr. Langhofer's report is replete with entries indicating the information is heavily

1 based on Plaintiff's reporting. AR at 710-12. Regardless, the Court finds the ALJ's decision
2 to assign reduced weight to the more extreme findings of Dr. Langhofer's opinion is based on
3 specific and legitimate reasons that are supported by substantial evidence in the administrative
4 record. Accordingly, the ALJ's decision to give the evaluation reduced weight is not in error.

5 Rachael McDougall, Psy.D.

6 Plaintiff asserts the ALJ erred by ignoring objective psychological test evidence that
7 shows she does not have the capabilities assessed in her RFC. Plaintiff argues the ALJ ignores
8 significant and probative evidence by failing to discuss five test scores from Dr. McDougall's
9 July 2011 evaluation that indicate Plaintiff is in "borderline" and "extremely low" categories,
10 and in failing to consider their impact in the RFC assessment. Dkt. 12 at 8-10 citing AR at
11 834-53. Defendant argues the ALJ did not ignore significant and probative evidence because
12 there is no requirement that the ALJ discuss each individual test score and that regardless they
13 do not indicate additional RFC limitations are necessary. The Court agrees. Plaintiff argues
14 that because the results in the borderline and extremely low categories show that she scores
15 only better than 0.4%, 2%, 3%, and 4% of her peers, respectively, the ALJ should have
16 discussed each particular score explaining why it does not interfere with her ability to work.
17 The Court finds the RFC does make allowances for lower functioning: the ALJ found Plaintiff
18 only able to "perform simple, routine tasks and follow short, simple instructions. The claimant
19 can perform work that needs little or no judgment and could perform simple duties that can be
20 learned on the job in a short period. The claimant would have the average ability to perform
21 sustained work activities (*i.e.* can maintain attention and concentration; persistence and pace)
22 in an ordinary work setting..." AR at 15-16. Plaintiff believes the foregoing RFC limitations
23 do not reflect her lowest scores; however, the ALJ's decision will not be overturned where it is
24 based on substantial evidence. The ALJ assigned "significant weight to [Dr. McDougall's]

1 evaluation because objective testing was performed that showed relatively few limitations that
2 would interfere with [Plaintiff's] ability to work." AR at 21. Dr. McDougall gives a 20-page
3 highly detailed psychological evaluation of Plaintiff. AR at 834 to 854. The ALJ is not
4 required to discuss each element therein. The ALJ also found significant Dr. McDougall's
5 observations that Plaintiff performed better on serial sevens counting than serial threes, an
6 unusual result because the serial seven task is more difficult, and that Plaintiff displayed a
7 higher than expected rate of forgetting, given her immediate memory performance. AR at 21.
8 Further, the ALJ noted Dr. McDougall's overall testing summary indicates Plaintiff is within
9 normal ranges, although often in the low average range and that "Dr. McDougall opined that
10 despite cognitive testing in the low average range, the [Plaintiff] was able to graduate from
11 high school and engage in a substantial history of employment." AR at 21 citing AR at 850.
12 Reliance on Dr. McDougall's description of Plaintiff's general cognitive ability as in the "low
13 average range of intellectual functioning" based on aggregate testing is reasonable and not
14 counter to any of the individual subscores Plaintiff argues. AR at 841. The Court finds the
15 ALJ's reliance on Dr. McDougall's testing and opinion is based on specific and legitimate
16 reasons supported by substantial evidence.

17 Edward Pullen, M.D.

18 Plaintiff asserts the ALJ erred in rejecting Dr. Pullen's opinion that she is limited to
19 sedentary work, instead finding her capable of light work with additional limitations. Dkt. 12
20 at 10-12. Plaintiff argues this distinction is important because the Social Security grid rules
21 note vocational difficulty for persons over 50 years adjusting to sedentary work if they are
22 incapable of performing their past work. Dkt. 12 at 11. Plaintiff believes that Dr. Pullen's
23 opinion that she is capable of sedentary work, in conjunction with the preclusion of the grid
24 rule because she recently turned 50 should result in a finding of disability. Dkt. 12 at 11.

Specifically, Plaintiff argues the ALJ did not properly assess Dr. Pullen's MRI-related opinion that she is limited to sedentary work. Dr. Pullen's opinion that Plaintiff is limited to sedentary work is controverted by the State agency physician's RFC determination that she is capable of light work based on mild imaging and her ability to run/walk, go to the casino, and attend online college classes. AR at 20, 22. Thus, the ALJ must provide only "specific and legitimate" reasons for not relying on Dr. Pullen's opinion. Here, the ALJ gave six specific reasons for giving less weight to Dr. Pullen's evaluations: (1) the imaging submitted only reveals mild to moderate symptoms; (2) the updated MRI from 2010, when compared to 2008 imaging, did not show interval change; (3) the mild to moderate findings are inconsistent with a sedentary or severely limited work level; (4) Dr. Pullen's functional assessment that Plaintiff's condition was stable, she could lift and/or carry up to twenty pounds and stand/sit up to three hours, is inconsistent with a severely limited work level, which is defined as unable to stand/walk or lift two pounds; (5) Dr. Pullen's opined work levels are not consistent with State assessments that Plaintiff could perform a light level of work; and (6) Dr. Pullen's opined severely limited work level appears to incorporate depression, which is not a factor in determining physical work limitations, and seems to indicate the depression limit was subjective. AR at 20. The ALJ also found significant that Dr. Pullen noted Plaintiff would be able to participate in pre-employment activities, and, in March 2011 Dr. Pullen found Plaintiff's condition stable, that she could sit and stand for three hours out of an eight-hour workday, lift/carry twenty pounds occasionally and ten pounds frequently, and did not list any postural, fine motor skill, or environmental restrictions. AR at 20 citing AR at 425-28, 432-36, 447-520, 733-37, 755-60. Plaintiff disagrees with the ALJ's conclusions; however, the Court finds no error in their basis. Each of the ALJ's specifically stated reasons for rejecting Dr. Pullen's opinion of sedentary work in favor of limited light work are legitimately based on

1 substantial evidence in the administrative record. Moreover, the Court notes that throughout
2 the record Plaintiff and her providers indicate it is difficult for her to sit and that she performs
3 better physically and mentally when she is able to walk and move around.

4 B. The ALJ did not commit harmful, reversible error.

5 Plaintiff asserts the errors she assigns to the ALJ's decision are not harmless and
6 warrant remand. Dkt. 12 at 12-13. The Court does not agree with Plaintiff's assignment of
7 errors except as noted above that are deemed harmless and therefore not reversible. The ALJ's
8 decision will be disturbed only if it is not supported by substantial evidence or is based on legal
9 error. *See* 42 U.S.C. § 405(g).

10 V. CONCLUSION

11 For the foregoing reasons, the Court recommends that this case be AFFIRMED and the
12 case DISMISSED. A proposed order accompanies this Report and Recommendation.

13 Objections to this Report and Recommendation, if any, must be filed with the Clerk
14 and served upon all parties to this suit no later than fourteen (14) days after the date on which
15 this Report and Recommendation is signed. If no timely objections are filed, the Clerk shall
16 note this matter for the earliest Friday after the deadline for objections, as ready for the
17 Court's consideration. Failure to file objections within the specified time may affect your
18 right to appeal.

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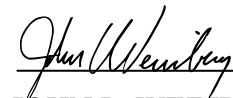
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1 If objections are filed, any response is due within fourteen (14) days after being served with
2 the objections. A party filing an objection must note the matter for the court's consideration
3 fourteen (14) days from the date the objection is filed and served. Objections and responses
4 shall not exceed twelve pages.

5 DATED this 30th day of May, 2014.

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9 JOHN L. WEINBERG
United States Magistrate Judge